REMARKS

By this amendment, claims 1-38 are pending, in which no claims are canceled, withdrawn, currently amended, or newly presented. No new matter is introduced.

The Office Action mailed July 9, 2007 rejected claims 1-38 under 35 U.S.C. § 102 (b) as anticipated by *Dev et al.* (US 5,504,921).

The Examiner's new rejection of claims 1-38 as being anticipated by *Dev et al.* contradicts the Examiner's previous interpretation of this reference. Prior to this latest action, the Examiner had admitted (Office Action of December 11, 2006 – page 3) that *Dev et al.* lacked a teaching of the network element subsystems including console connections and application connections, e.g., "The difference between the claim and Dev et al. is the network element subsystems including console connections and application connections." Indeed, the Examiner relied on *Ditmer et al.* (US 6,490,620) to fill in the gaps with regard to this missing claim limitation. Now, after Applicants have successfully shown that *Ditmer et al.* cannot be used to preclude patentability under 35 U.S.C. § 103 because the effective filing date of this application is before the issue date of *Ditmer et al.* and the present application and *Ditmer et al.* were commonly assigned, the Examiner rediscovers the missing claim limitations within *Dev et al.*

Applicants contend that the Examiner correctly interpreted *Dev et al.* in the first instance. That is, *Dev et al.*, in fact, does not disclose "network element subsystems including console connections and application connections," as recited by present claims 1-35.

The Examiner points to col. 5, lines 1-10, of *Dev et al.* for the alleged teaching of "network element subsystems including console connections and application connections." That identified portion of *Dev et al.* reads as follows:

> ...systems are represented by software models in the virtual network machine 12. The models-represent network devices such as printed circuit boards, printed circuit board racks, bridges, routers, hubs, cables and the like.

> The models also represent locations or topologies. Location models represent the parts of a network geographically associated with a building, country, floor, panel, rack, region, room, section, sector, site or the world. Topological models represent the network devices that are topologically associated with a local area network or subnetwork. Models can also represent components of network devices such as individual printed circuit boards, ports and the like.

This portion of *Dev et al.* relates to various network devices being represented as models. To the extent the Examiner relies on the "subnetwork" recited in this section of *Dev et al.* as the claimed "network element subsystems," there is absolutely no disclosure in *Dev et al.* that this "subnetwork," in any way, includes "console connections and application connections," as required by the present claims. The Examiner's vague explanation, at page 2 of the Office Action of July 9, 2007, that "console connections and application connection would be one of the parts in the network" falls far short of establishing a *prima facie* case of anticipation.

A prior art reference anticipates a patent claim if it discloses every limitation of the claimed invention, either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). "Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates." *MEHL/Biophile Int'l Corp. v. Milgraum*, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999). Clearly, *Dev et al.* does not explicitly disclose "network element subsystems including console connections and application connections," and the Examiner appears to acknowledge this. Accordingly, if *Dev et al.* is to anticipate claims 1-35, it must *inherently* disclose "network element subsystems including console connections and application connections." The Examiner appears to be hinting at such an inherency by the explanation that "console connections and application connection **would be** one of the parts in the network" (emphasis added). But, the Examiner offers no further explanation. Applicants challenge the purported claim of inherency by the Examiner. If the Examiner maintains this rejection, the Examiner must show some

evidence that *Dev et al.* necessarily functions in such a manner as to require the "network element subsystems including console connections and application connections," as recited in the present claims.

Moreover, *Dev et al.* lacks other features of the claimed subject matter, such as, for example, "means for mapping text of a received original message to one or more of a plurality of alarm attributes." The Examiner points to col. 4, lines 54-65, and col. 12, lines 32-50, of *Dev et al.* for an alleged teaching of such a "mapping." However, the cited portion of col. 4 relates only to updating network models, sending status information to a network management system, and presenting "operational status, faults and other information pertaining to the network" to a user. The cited portion of col. 12 does recite "a map," at line 34, but this relates to a map of a "northeast region" in order to show network locations by icons. It has nothing to do with the type of "mapping" recited in the present claims, whereby the "text of a received original message" is mapped "to one or more of a plurality of alarm attributes."

Since *Dev et al.* does not disclose at least "network element subsystems including console connections and application connections," and "means for mapping text of a received original message to one or more of a plurality of alarm attributes," it cannot anticipate the subject matter of present claims 1-35 and the Examiner is respectfully requested to withdraw the rejection of claims 1-35 under 35 U.S.C. § 102 (b).

With regard to independent claim 36, the Examiner contends that *Dev et al.* discloses a transaction server and a communications server at col. 5, lines 1-17; and that it teaches a network alarm monitoring server linked to a terminal server of a service control point over the network link, with a network alarm monitoring process mapping event messages to an alarm data structure, and a network link enabling transmission of messages by the network alarm monitoring server in response to a recognized alarm condition, at col. 3, lines 38-55 and col. 13, lines 1-15

(see Office Action of July 9, 2007 – page 6). A quick reference to col. 5, lines 1-17 will show that *Dev et al.* mentions "...network monitor, terminal server and end point operations" (lines 12-13), but recites nothing about transaction servers and communications servers, nor does it recite anything resembling the claimed alarm monitoring server, the alarm data structure, or the network alarm monitoring process, and the functional interrelationships of these elements, as recited in claim 36. Similarly, at col. 3, lines 38-55, and col. 13, lines 1-15, *Dev et al.* fails to disclose the claimed features. Claim 36 is very specific as to a service control point in a telecommunications network alarm monitoring system comprising three elements: "a transaction server, a communications server, and a terminal server." The claim also explicitly recites that the terminal server provides "access to a plurality of event messages from the transaction server and communications server" and transmits the event messages over a network link. Claim 36 further recites "a telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link." Still further, the claim recites "a network alarm monitoring process to map the event messages to an alarm data structure." Finally, the claim requires "a network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm conditions."

Dev et al. discloses none of these claimed elements and certainly none of the claimed functional interrelationships between the elements, and Applicants are bewildered about the Examiner's application of this reference to the claimed subject matter. The cited portion of col. 3 of *Dev et al.* relates to a virtual network machine and the management of a software representation of the network. Models represent devices and other entities associated with the network, and relations between the models. A database manager manages storage and retrieval of data that may include configuration data, an event log, statistics, history, and current state

information. A device communication manager is connected to a network and handles communication between the virtual network machine and network devices. There is a mention of "an event log" in this portion of *Dev et al.* but nothing about a terminal server transmitting any "event messages" over a network link, or "a network alarm monitoring process to map the event messages to an alarm data structure."

The cited portion of col. 13 of *Dev et al.* relates to "location and topological views" representing different dimensions of the same network. The user is able to "traverse between location and topological views to obtain any necessary information regarding the configuration of the network." The user is provided with a display that "provides generic views such as **an alarm log, an event log**, a text display, a chart, or any other way of displaying attribute information" (emphasis added). The remainder of the cited portion deals with traversing between available views. Thus, while the Examiner indicates this portion of col. 13 of *Dev et al.* as disclosing a network alarm monitoring server linked to a terminal server of a service control point over the network link, with a network alarm monitoring process mapping event messages to an alarm data structure, and a network link enabling transmission of messages by the network alarm monitoring server in response to a recognized alarm condition, there is clearly nothing here that even remotely resembles what is claimed. It is true that the cited portion of col. 13 mentions an "alarm log" and an "event log," but there is no indication that there are "event messages" being accessed via a terminal server, there is no indication that there are "event messages" being transmitted over a network link, there is no indication of a "telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link," there is no indication of any "network alarm monitoring process to map the event messages to an alarm data structure," and there is no indication of any "network link to the

telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm conditions."

It appears that the Examiner is finding all of the presently claimed subject matter, including the claimed elements and their explicit interrelationships, in the disclosure, in *Dev et al.*, of "an alarm log" and "an event log."

It is difficult for Applicants to respond to the rejection, other than to point out the lack of specific teachings in the cited portions of *Dev et al.*, because the Examiner has offered only a very broad disclosure of networks, alarm logs and event logs as evidence of the anticipation of the presently claimed subject matter, leaving Applicants to conjecture at the Examiner's true rationale for the rejection. This is in contravention to 35 U.S.C. § 132, which requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner's only discussion of the claimed features are lost in generalities.

Since no *prima facie* case of anticipation has been established, the Examiner is respectfully requested to withdraw the rejection of claims 1-38 under 35 U.S.C. § 102 (b).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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